National Renewable Energy Laboratory
Request for Proposals Number RAM-2-31235

READ THIS DOCUMENT CAREFULLY

This solicitation is being conducted under the streamlined procedures for competitive subcontracts established by the National Renewable Energy Laboratory (NREL). NREL will award a subcontract based on the following.

- All Statement of Work (SOW) requirements being met
- The best combination of:
  - Technical factors (Based on qualitative merit criteria) and
  - Evaluated price or cost

Issue Date: 10/19/01 Due Date: 01/14/02

Technical Questions must be received in writing no later than 12/14/01

1. Solicitation Type Streamlined Best Value Selection
Cost Reimbursable [OR] Cost Sharing

Submit offers to and request information from the NREL RFP contact below

2. NREL RFP Contact

Neil Wikstrom, Subcontract Administrator
National Renewable Energy Laboratory
MS 3811
1617 Cole Boulevard
Golden, CO 80401-3393
Phone: (303) 384-6960
Fax: (303) 384-6901
Email/internet: neil_wikstrom@nrel.gov

Electronic (PDF) copies of forms, sample subcontract, and appendices can be found at: http://www.nrel.gov/contracts/index.html

3. Project description

In June 2001, NREL issued a Pre Solicitation Notice of its planned Low Wind Speed Turbine (LWT) Concept Studies and requested comments from prospective participants and other interested parties. The Concept Studies were expected to examine the technology and market issues related to achieving the LWT cost-of-energy (COE) objective. The principal subcontract deliverable was to be a final report describing the conceptual design of a highly advanced, utility-scale wind turbine capable of operating competitively in low wind sites. DOE and NREL would then evaluate whether or not sufficient promise existed to warrant full-scale development of the proposed concepts. Typically, this development process requires at least two additional steps. The first is a detailed design effort and the second is the

fabrication, testing, and certification of a prototype turbine. If the Concept Studies yielded encouraging results, several industry partners would be competitively selected to carry their concepts through a rigorous design process. DOE, NREL and their industry partners would cooperatively seek an implementation of the concept, including size or rated power that appeared to be appropriate for the marketplace. In a subsequent cost-shared effort, selected designs would then move forward through fabrication and testing of commercial prototypes expected to meet the project goals and objectives.

NREL conducted numerous meetings and received many written comments on its proposed approach. Most respondents commended the anticipated development plan, but several recommended that NREL find a way to accommodate teams that were ready to proceed rapidly toward prototype development. Others suggested that some effort should be devoted to innovative components that could be tested and proven before integration into new wind turbine designs. Because of this feedback from prospective industry partners, NREL has modified its approach. The project now has the flexibility to accommodate component and full-system development efforts as well as the originally planned concept studies.

Wind turbine development projects take several years to complete and they require a large commitment of funds. Recognizing that exciting ideas and highly motivated teams can materialize at any time, a decision was also made to have multiple entry points in the LWT project. For example, a team that develops a promising new rotor concept may wish to proceed with full-scale atmospheric tests. A team that successfully demonstrates a new drive train and has the requisite financial capability may wish to proceed with LWT prototype development. If the LWT COE objective is to be met, there must be a way to embrace emerging technologies and development teams into the DOE/NREL wind-energy technology program. Conversely, all new ideas will not necessarily withstand the scrutiny of detailed study. There must be a way to winnow out questionable concepts in favor of more robust ones. Moreover, to achieve the COE targets in the year 2007 as planned, new concepts and components will need to enter the development cycle quickly. For these reasons, NREL will conduct an annual review of the LWT technology portfolio as part of its budget planning. This Request for Proposals (RFP) will also be repeated periodically to ensure that new concepts, components and development teams have the opportunity to emerge.

Development of a new wind turbine that results from the best design practices and incorporates the latest technology must proceed in measured steps spanning several years. The LWT project encompasses this complete process. To encourage broad industry participation and to unveil the most promising ideas, the LWT scope of work is designed to accommodate broadly disparate, but related activities. There are three anticipated areas of participation (Technical Areas): Conceptual Design Study, Component Development, and LWT Prototype Development. An offeror may submit more than one response to this Request for Proposals, but only one area of participation (Technical Area) may be proposed in each response. If selected for an award, the Subcontractor shall complete the specific scope of work associated with the chosen Technical Area.

This RFP requires an offeror to describe its proposed project in sufficient detail to be understood and evaluated by a group of knowledgeable reviewers. Offerors must also

identify their planned teaming arrangements, budget and schedule. Responses to the RFP will be evaluated by qualified business and technical professionals.

4. Proposed Subcontract Award and Period of Performance

Conceptual Design Studies (Technical Area 1) are envisioned as 4-6 month efforts with the maximum DOE funding being $200,000 for any single award. This does not preclude an offeror from proposing a different duration or price. NREL intends to use a cost reimbursable type of subcontract, and cost sharing will not be required of participants under Conceptual Design Studies subcontracts. NREL's standard intellectual property terms and conditions, including the rights in technical data clauses, will apply to the Conceptual Design Studies subcontracts.

Component Development (Technical Area 2) is envisioned as a 2-3 year effort with the maximum DOE funding being $3 million for any single award. LWT Prototype Development (Technical Area 3) is envisioned as a 2-3 year effort with the maximum DOE funding being $8 million for any single award. Initial prototype wind turbines are expected to operate by 2005 and the final LWT is expected to operate by 2007. These expectations do not preclude an offeror from proposing projects of different duration or cost.

For Component Development and LWT Prototype Development subcontracts, the minimum direct cost sharing (by the Offeror) required of industry participants will be 30%. Additional consideration in the evaluation process will be given for cost sharing in excess of this amount.

For Component Development and LWT Prototype Development subcontracts, it is anticipated that NREL/DOE may be able to offer the subcontractor the right to claim and mark, as "Protected Wind Technology Data," specific data first produced in the performance of the subcontract. Any such claimed and marked "Protected Wind Technology Data" will not be published, disseminated, or disclosed to others outside the Government and NREL, by the Government and NREL, for a period (as approved by DOE) of up to five (5) years after production of the data. This right to claim and mark specific technical data will be addressed on a case-by-case basis for each Component Development and LWT Prototype Development subcontract considering the technology involved as well as other factors. Such data will be subject to release by the Government and NREL after the time period (up to five years) expires. The transfer or assignment of protected wind technology to a foreign entity is subject to prior written approval by DOE. If DOE determines that such transfer or assignment to a foreign entity does not support the competitiveness of US industry, the Government may, in its sole discretion, publish or otherwise release the data or alternatively require continued protection of the data until expiration of the protection period on such terms as DOE deems appropriate and consistent with DOE programmatic objectives.

NREL expects to award 1-3 subcontracts in each area of participation (Technical Area). Each project will be funded incrementally on an annual fiscal year basis. Throughout the projects, NREL will encourage the use of best business and project-management practices. Disciplined engineering development processes, including rigorous

laboratory and field tests to verify component and subsystem designs, will be emphasized.

5. Competitive negotiated subcontract using Best Value Selection

This solicitation shall be conducted using Best Value Selection that results in an award based on the best value combination of (a) highest evaluated qualitative merit and (b) lowest evaluated price/cost of the offers submitted.

Best Value Selection is based on the premise that, if all offers are of approximately equal qualitative merit, award will be made to the offeror with the lowest evaluated price/cost. However, NREL will consider awarding to an offeror with a higher evaluated price/cost if the offer demonstrates the difference in price/cost is commensurate with the higher qualitative merit. Conversely, NREL will consider awarding to an offeror with a lower evaluated qualitative merit if the price/cost differential between it and other offers warrant doing so.

6. Qualitative merit and price/cost criteria for Best Value Selection

The Statement of Work (Attachment 1) in this Request for Proposals serves as NREL's baseline requirements that must be met by each offer.

The qualitative merit criteria establish what NREL considers the technical factors valuable in an offer. These qualitative merit criteria are performance-based and permit selection of the offer that provides higher qualitative merit for a reasonable, marginal increase in price/cost.

When combined, the qualitative merit criteria are significantly more important than price/cost. However as qualitative merit tend to equalize among offers, price/cost may become more important in the selection decision.

The following qualitative merit and price/cost criteria will be used by evaluators to judge the technical value of the offer in meeting the objectives of the solicitation.

The following criteria shall be used to evaluate proposals.

A. Technical Merit – the technical merit of the proposed concept.
B. Projected Cost of Energy (COE) – the likelihood that the proposed concept, if implemented, will achieve the COE objective.
C. Technical Capability of the Offeror's Team – the technical capability of the Offeror, including its team members, to successfully complete the Statement of Work.
D. Financial Capability of the Offeror's Team – the financial capability of the Offeror, including its team members, to successfully complete the Statement of Work.
E. Quality of the Conceptual Design Study Plan (Technical Area 1), Component Development Plan (Technical Area 2), or LWT Prototype Development Plan (Technical Area 3) – the likelihood of achieving the project objectives through implementation of the proposed work plan.

F. Cost Realism – the realism of the proposed project cost relative to the scope of work.
G. Cost Magnitude – the magnitude of the proposed cost relative to other qualified offerors.

Evaluation Criteria Weight for the Three Areas of Participation (Technical Areas)

Criteria	Technical Area 1	Technical Area 2	Technical Area 3
A	30%	20%	20%
B	20%	20%	20%
C	30%	20%	20%
D	0	20%	20%
E	10%	10%	10%
F	5%	5%	5%
G	5%	5%	5%

Program Policy Factors

The Source Selection Authority may consider the following program-policy factors in making a competitive range determination and final negotiation rank order. The program policy factors are not weighted.

- Compliance with NREL's planned funding level
- Diversity of technology within the DOE sponsored wind turbine research activities
- Diversity of participants in the DOE wind energy program
- The level of the Offeror's cost sharing in comparison to the minimum level of cost sharing required
- The Offeror's ability to meet program goals and objectives identified in the Statement of Work
- Support of U.S. economic interests – the offeror will be required to demonstrate that the proposed technology conforms with provisions of the Energy Policy Act of 1992 stating that "A company shall be eligible to receive financial assistance under titles XX through XXIII of this Act only if :

  (1) the Secretary finds that the company's participation in any program under such titles would be in the economic interest of the United States, as evidenced by investments in the United States in research, development, and manufacturing (including, for example, the manufacture of major components or subassemblies in the United States); significant contributions to employment in the United States; an agreement with respect to any technology arising from assistance provided under this section to promote the manufacture within the Untied States of products resulting from that technology (taking into account the goals of promoting the competitiveness of United States industry), and to procure parts and materials from competitive suppliers; and

  (2) either (a) the company is a United States-owned company; or (b) the Secretary finds that the company is incorporated in the United States and has a parent company which is incorporated in a country which affords to United States-owned companies opportunities, comparable to those afforded to any other company, to participate in any joint venture similar to those authorized under this Act; affords to

United States-owned companies local investment opportunities comparable to those afforded to any other company; and affords adequate and effective protection for the intellectual property rights of United States-owned companies.

7. Evaluation process

NREL will evaluate offers in two general steps:

Step One—Initial Evaluation
An initial evaluation will be performed to determine if all required information has been provided for an acceptable offer. Offerors may be contacted only for clarification purposes during the initial evaluation. Offerors shall be notified if their offer is determined unacceptable and the reasons for rejection will be provided. Unacceptable offers will be excluded from further consideration.

Step Two—Discussion, Selection, Negotiation, and Award
All acceptable offers will be evaluated against the Statement of Work (Attachment 1) and the qualitative merit criteria listed above. Based on this evaluation, NREL has the option, depending on the specific circumstances of the offers received, to use one of the following methods of selection:

(a) make selection(s), conduct negotiations, and make award(s) without discussions;

(b) conduct parallel negotiations with all offerors and make award(s);

(c) conduct discussions with all offerors, select successful finalists, conduct parallel negotiations with successful finalists, and then make award(s);

(d) conduct discussions with all offerors, conduct parallel negotiations with the finalists, select successful finalist(s), and then make award(s);

(e) select successful finalists, conduct successive negotiations, and make successive selections and awards;

(f) make no award(s).

8. Proposal Preparation Instructions

One (1) unbound original and fifteen (15) bound copies of the Proposal should be submitted to NREL To aid in the evaluation process, it is desired that all proposals are prepared in accordance with these instructions, be responsive to the requirements of the Statement of Work (Attachment 1), and address the Qualitative Merit and Price/Cost Criteria described above.

Because the Technical Proposal will primarily determine the capability of the Offeror to participate in this procurement, it should be specific and complete in every detail. The Technical Proposal should be practical and should be prepared simply and economically, providing straightforward, concise delineation of capabilities necessary to satisfactorily perform the requirements being solicited.

The Technical Proposal should contain an outline of the proposed lines of investigation; method of approach to the problem; a logical division of work elements or steps necessary to meet the requirements of this solicitation; the estimated time required to complete each work element; and any other information considered

pertinent to the problem or requirement. The Offeror should not merely propose to perform the work in accordance with the Statement of Work, but should outline the actual work proposed as specifically as possible.

The Technical Proposal should focus on engineering and project management issues. Information should be provided on the following topics, as a minimum

- a description of the proposed effort,
- the projected cost-of-energy (COE),
- the project plan, and
- The project team.

Work tasks for the three areas of participation (Technical Areas) are listed in the Statement of Work appended to this RFP. The Work Tasks for Technical Area 1, Conceptual Design Study, are intended to be very specific, with a limited number of tasks. While the Offeror is free to perform whatever work is necessary to demonstrate the potential of its concept for future LWT Prototype Development, NREL funding will be limited to the effort required to complete the tasks specified in the Statement of Work.

The Work Tasks for Technical Area 2, Component Development, are intended to be very specific and are based on NREL's experience in projects of similar scope. Although the final Statement of Work is somewhat flexible, offerors that wish to deviate from the specified Statement of Work should provide convincing justification in the Technical Proposal.

The Work Tasks for Technical Area 3, LWT Prototype Development, provide the suggested elements of the Statement of Work. Offerors having the skill and experience required to complete this challenging project may also have a development approach that deviates somewhat from the described tasks. The final Statement of Work is somewhat flexible, and offerors are encouraged to thoroughly explain any deviations from NREL's suggested work tasks.

In preparing its Technical Proposal, the Offeror should refer frequently to the following instructions and to the Qualitative Merit Criteria in item 6 above. Proposals that deviate from these requirements are likely to score lower in the evaluation process.

The Technical Proposal shall, as a minimum, contain the information listed below in accordance with the specified format (any suggested number of pages per section is meant to be guidance only). It should be no more than twenty-five (25) pages in length, legibly typewritten in 11-point font size on 8-1/2" x 11" paper. Pages should be arranged (and bound copies should be printed) back-to-back with odd-numbered pages on the right. Tables and figures should be referenced by number, and ***every page should be numbered sequentially.*** Relevant publications, references and achievements may be cited, but copies should not be included. The proposal should be organized as follows:

A. Technical Proposal

Page i - Front Cover

The front cover should indicate the Name and Date of the Proposal; Name, Address and Telephone Number of the Offeror, the RFP Number and Name. It should also identify the Technical Area (Conceptual Design Study, Component Development, or LWT Prototype Development) the proposal is intended to cover. An Abstract of the Proposal should also appear, along with the signatures of the Principal Investigator, Project Manager (if any) and a Business Official authorized to commit the Offeror to contractual instruments.

Page ii - Inside Front Cover

The inside front cover should be left blank.

Page iii - Table of Contents and List of Tables and Figures

If the Table of Contents and List of Tables and Figures fit on Page iii, Page iv should be left blank. Otherwise, it may be used for a continuation of those sections.

Technical Approach

This section addresses the Statement of Work requirements, the Offeror's approach toward satisfying the objectives of the Statement of Work, and the Offeror's capabilities, resources, and experience in the required project area as outlined in the following subsections:

Page 1 – Technical Description of Proposed Project **4-6 pages**

NREL recognizes that by the very nature of this project, the Offeror's concept or proposed development may not be well defined. It may be one for which a prototype already exists and about which much is known, or it may be in the early stages of formulation. Nevertheless, the Offeror must describe to the best of its ability, the important aspects of the technology and its proposed embodiment. Therefore, this section of the proposal should include:

- a discussion of the proposed concept, including calculations, drawings, graphs and narrative material, as appropriate,
- a description of the major components and subsystems,
- a description of noteworthy innovations and improvements in technology,
- a discussion of those items that are essential to the success of the concept, require extensive development effort, or present extraordinary risk,
- advantages and disadvantages of the concept compared to existing technology, the reasons for selecting the concept, including technical, marketing, financial, environmental and operational factors, as appropriate, and
- a discussion of any unusual features that should be considered in assessing the ability of the concept to achieve the project goals and objectives.

Projected Cost of Energy **2-3 pages**

The Offeror shall provide a preliminary COE analysis in accordance with Attachments C and D of the Statement of Work, including information that is known or can be estimated regarding system performance, initial capital costs, O&M costs and replacement costs. Sufficient backup information should be

provided to indicate the likelihood of the proposed concept meeting the COE objective.

Conceptual Design Study Plan (Technical Area 1) **2-3 pages**

Only those offerors selecting this area of participation (Technical Area 1) should address this section. Offerors selecting Technical Area 2 or Technical Area 3 should proceed to the next section.

This section should describe the Offeror's plans to accomplish the tasks specified in the Statement of Work, including meetings and deliverables.

Because of the short duration and limited scope of the Conceptual Design Study, the Statement of Work does not require the development of a project work plan to be used in conducting the study. A successful offeror will perform the work in the most expeditious and efficient manner possible using the appropriate level of planning. In this section of the Technical Proposal, the Offeror should explain how it intends to perform the Conceptual Design Study, including a description of the following:

- a project organizational chart showing the Offeror's relationship to its anticipated consultants, lower-tier subcontractors, advisors and affiliates,
- a project labor plan showing the proposed labor hours by activity and labor type for both employees and consultants, and
- the methods and procedures used for engineering analysis and cost-of-energy studies.

Component Development Plan (Technical Area 2) or **3-4 pages**
LWT Prototype Development Plan (Technical Area 3) **4-5 pages**

NREL recognizes that any plans now envisioned by the Offeror are subject to evaluation and refinement. Nevertheless, the Offeror must describe to the best of its ability, the work plan it anticipates using to complete the project. In its description, the Offeror should include the project organizational structure, labor plan, and schedule along with any other items it feels are necessary to successfully complete the project. Major work tasks should be identified and briefly described by providing the following information, as a minimum:

- task/subtask number, name, objective and expected results,
- a concise description of the work to be performed,
- noteworthy issues relating to analysis, design, testing, materials or facilities, and
- required staffing, including consultants and lower-tier subcontractors.

To the extent that it can be anticipated, the following information should also be provided:

- a project organizational chart showing the Offeror's relationship to its anticipated consultants, lower-tier subcontractors, advisors and affiliates,
- a project labor plan showing the anticipated labor hours by task/subtask and labor type for both employees and consultants,

- a project schedule in bar-chart format indicating the period of performance for each activity and for the entire project, and

- milestones, reports, meetings and deliverables depicted on the project schedule.

The Subcontractor's Environmental Safety and Health (ES&H) procedures should be described in sufficient detail to ensure that the project will be performed with the highest regard for human health and safety, preservation of the environment and compliance with applicable laws. The Subcontractor's Quality Assurance (QA) procedures shall be described in sufficient detail to ensure that all work tasks are performed properly to achieve results that meet predetermined quality levels.

Project Team **4-5 pages**

This section of the Technical Proposal should provide the information needed to evaluate the capability of the Offeror, including its team members, to successfully complete its project plan. Emphasis should be placed on the specific wind-energy experience of the Offeror, particularly the project manager, principal investigator and activity leaders. It is essential for the Offeror, including its team, to have ***wind-energy*** experience, not just broad-based engineering and project-management experience. The project manager should have demonstrated ***project-management*** experience with developments of similar scope, and a substantial portion of his or her time and physical presence should be devoted to the project. It is understood that this information will be preliminary in nature, and that more specific teaming arrangements may develop during the project. Nevertheless, to the extent that it can be anticipated, the Offeror should provide the following information:

- a description of the Offeror's team, and its experience in wind-energy and other related businesses,
- the name, education, description/duration of relevant experience of the anticipated project manager, principal investigator and key activity leaders,
- qualifications and relevant experience of the anticipated engineering team,
- anticipated manufacturing and commercialization plans, if appropriate, and
- a description of the nature, source and availability of facilities and equipment.

References

This section may contain the citations of relevant publications, references and achievements of key personnel, but copies of these materials should not be included.

Rear Cover

The inside and outside of the rear cover should be left blank.

B. Cost Proposal

A completed “Price/Cost Proposal Form”submitted with your offer (See Item 9-Solicitation provisions). Your price/cost proposal should include support documentation for all categories of the proposed price/cost. (See Price/Cost Proposal Preparation Instructions included with Price/Cost Proposal). A cost proposal form shall be completed for each year (phase) of the project and for a summary of the entire project (project total).

C. Summary of Deviations/Exceptions

A summary of deviations/exceptions to the subcontract schedule (attachment 3) and the standard terms and conditions and/or the intellectual property terms and conditions in the referenced appendices must be identified. The offeror will explain any exceptions (including deviations and conditional assumptions) taken with respect to this Request for Proposals. Any exceptions must contain sufficient amplification and justification to permit evaluation. Such exceptions will not, of themselves, automatically cause an offer to be termed unacceptable. A large number of exceptions or one or more significant exceptions not providing any obvious benefit to the Government or NREL may, however, result in rejection of such offer as unacceptable.

D. A completed "**Representations and Certifications**" form (see item 9-Solicitation provisions)

E. A completed "**Environmental Questionnaire**" form (Attachment 2)

F. A completed "**Small Business Subcontracting Plan**" form (see item 9-Solicitation provisions)

This solicitation does not allow the submittal of facsimile or electronic proposals.

This solicitation does not commit NREL to pay costs incurred in the preparation and submission of a proposal in response to this RFP.

9. Solicitation Provisions—full text provided

a. Late submissions, modifications, and withdrawals of offers
Offers, or modifications to them, received from qualified organizations after the latest date specified for receipt may be considered if received prior to award, and NREL determines that there is a potential price/cost, technical, or other advantage, as compared to the other offers received. However, depending on the circumstances surrounding the late submission or modification, NREL may consider a late offer to be an indication of the offeror's performance capabilities, resulting in downgrading of the offer by NREL evaluators in the technical evaluation process. Offers may be withdrawn by written notice or telegram (including mailgram) received at any time before award. Offers may be withdrawn in person by an offeror or an authorized representative, if the representative's identity is made known and the representative signs a receipt for the offer before award.

b. Restrictions on disclosure and use of data
Offerors who include in their proposals data that they do not want disclosed to the public for any purpose or used by the government or NREL, except for evaluation purposes shall—

1. Mark the title page with the following legend:
"This offer includes data that shall not be disclosed outside the Government or NREL and shall not be used or disclosed—in whole or in part—for any purpose other than to evaluate this offer. If, however,

a subcontract is awarded to this offeror as a result of—or in connection with—the submission of this data, the Government or NREL shall have the right to use or disclosure the data to the extent provided in the resulting subcontract. This restriction does not limit the Government's or NREL's right to use information contained in this data if obtained from another source without restriction. The data subject to this restriction are contained on pages [insert page and line numbers or other identification of pages] of this offer; and

2. Mark each page of data it wishes to restrict with the following legend: "Use or disclosure of data contained on this page is subject to the restriction on the title page of this offer."

c. Notice of right to receive patent waiver (derived from DEAR 952.227-84) and technical data requirements

Offerors (and their prospective lower-tier subcontractors) in accordance with applicable statutes and Department of Energy Acquisition Regulations, (derived from DEAR 952.227-84) have the right to request a waiver of all or any part of the rights of the United States in subject inventions in advance of or within thirty (30) days after the effective date of subcontracting,.

Small business firms, educational institutions, and domestic nonprofit organizations normally will receive the Patent Rights—Retention by the Subcontractor clause, which permits the offeror to retain title to subject inventions, except in subcontracts involving exceptional circumstances or intelligence activities. Therefore, small business firms, educational institutions, and nonprofit organizations normally need not request a waiver.

If a offeror's proposal includes a lower-tier subcontract to another organization, that lower-tier organization's business type will determine the applicable intellectual property provisions that will apply to the lower-tier subcontract. Note that a lower-tier subcontractor may apply for a patent waiver under the same conditions as the offeror.

Under a research, development, and demonstration project, DOE and NREL are unable to ascertain, prior to receipt of offers or performance of the project, their actual needs for technical data. It is believed that the requirements contained herein are the basic needs of DOE and NREL. However, if the offeror indicates in its proposal that proprietary data will be used or withheld under its proposed effort, DOE and NREL reserve the right to negotiate appropriate rights to the proprietary data. The appropriate rights may include "Limited Rights in Proprietary Data" and/or "Subcontractor Licensing."

d. Disclaimer

NEITHER THE UNTED STATES; NOR THE DEPARTMENT OF ENERGY; NOR MIDWEST RESEARCH INSTITUTE, NATIONAL RENEWABLE ENERGY LABORATORY DIVISION; NOR ANY OF THEIR CONTRACTORS, SUBCONTRACTORS, OR THEIR EMPLOYEES MAKES ANY WARRANTY, EXPRESS OR IMPLED, OR ASSUMES ANY LEGAL LIABILITY OR RESPONSIBILITY FOR THE ACCURACY,

COMPLETENESS, OR USEFULLNESS FOR ANY PURPOSE OF ANY OF THE TECHNICAL INFORMATION OR DATA ATTACHED OR OTHERWISE PROVIDED HEREIN AS REFERENCE MATERIAL.

e. Solicitation disputes

The General Accounting Office and the Department of Energy no longer accept or rule on disputes from offerors for the handling of mistakes in solicitations for Requests for Proposals by Management and Operating Contractors for the Department of Energy. Should an offeror have any concerns regarding the NREL solicitation process or selection determination, the offeror may contact Marty Noland, Advocate for Commercial Practices at (303) 384-7550. NREL will address each concern received from an offeror on an individual basis.

f. Pre-award On-site Equal Opportunity Compliance Evaluation (derived from FAR 52.222-24)

If a subcontract in the amount of $10 million or more will result from this solicitation, the prospective Subcontractor and its known lower-tier subcontractors with anticipated lower-tier subcontracts of $10 million or more shall be subject to a pre-award compliance evaluation by the Office of Federal Contract Compliance Programs (OFCCP), unless, within the preceding 24 months, OFCCP has conducted an evaluation and found the prospective Subcontractor and lower-tier subcontractors to be in compliance with Executive Order 11246.

g. (Lower-Tier) Small Business Subcontracting Plan (derived from FAR 52.219-9)

The following requirement does not apply to small business offerors.

Proposals submitted in response to this solicitation shall include a lower-tier subcontracting plan that separately addresses lower-tier subcontracting with small business, small disadvantaged business, and women-owned small business concerns. If the offeror is submitting an individual subcontract plan, the plan must separately address lower-tier subcontracting with small business, small disadvantaged business, and women-owned small business concerns, with a separate part for the basic subcontract and separate parts for each option (if any). The plan shall be included in
and made a part of the resultant subcontract. The lower-tier subcontracting plan shall be negotiated within the time specified by the NREL Subcontract Administrator. Failure to submit and negotiate a lower-tier subcontracting plan shall make the offeror ineligible for award of a subcontract. (see item 13 – Solicitation Provisions)

10. Solicitation provisions—incorporated by reference

This solicitation incorporates one or more solicitation provisions by reference with the same force and effect as if they were given in full text. The following documents can be obtained from the NREL web site at www.nrel.gov/contracts/index.html or the Issuer (See item 2) will make full text available upon request.

- NREL Standard Terms and Conditions:
  - Appendix B-1
- NREL Intellectual Property Provisions:
  - Appendix C-1 (Applicable if offeror is a large business, state and local government, or foreign organization)
    OR
  - Appendix C-2 (Applicable if offeror is a domestic small business, educational institution, or other nonprofit organization)
- NREL Terms and Conditions for Subcontracts in excess of $500,000.00
  - Appendix D-1
- NREL Representations and Certifications for Subcontracts (04/30/99)
- NREL Price/Cost Proposal Form and Instructions (10/19/00)
- NREL "Small Business Subcontracting Plan"

11. NAICS Code and Small Business Size Standard

a. The North American industry Classification System (NAICS) code [formerly standard industrial classification (SIC)] for this solicitation is 541710.

b. The small business size standard for 541710 is 500 or fewer employees.